

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 26 JAN 2005

PCT PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NL2004/000771

International filing date (day/month/year)
04.11.2004

Priority date (day/month/year)
07.11.2003

International Patent Classification (IPC) or both national classification and IPC
F16L37/092, F16L21/03

Applicant
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1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2004/000771

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2004/000771

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☐ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-26
	No: Claims	
Inventive step (IS)	Yes: Claims	1-25
	No: Claims	26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

- 1 The following documents are referred to in this communication:
D1 : US 4 205 424 A (NAGAO SHOZO ET AL) 3 June 1980 (1980-06-03)

2. INDEPENDENT CLAIM 26

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 26 does not involve an inventive step in the sense of Article 33(3) PCT.

- 2.2 The document D1 is regarded as being the closest prior art to the subject-matter of claim 26, and discloses (see figures 1 and 4):

A system comprising two tubes (1,2) and a clamping ring (3) for attaching one tube (1) coaxially around the other rigid tube (2) by means of clamping, which clamping ring (3) can assume at least a first and a second position, the clamping ring (3) being provided with at least one substantially ring shaped part virtually closed in itself, wherein the clamping ring (3) is further provided with a segment (9) movable relative to the ring-shaped part, connected to ends of the ring-shaped part, while in the first position, the clamping ring (3) substantially has the shape of a ring and in the second position, the segment (9) is located inwards relative to the ring-shaped part such that each diameter of the clamping ring (3) in the second position is smaller than each diameter of the clamping ring (3) in the first position.

- 2.3 The only difference between the subject-matter of claim 26 and the system known from D1 is that the outer tube of the application is flexible whereas the outer tube of D1 is rigid. This feature is however irrelevant to the functioning of clamping sleeve.

Consequently, the solution proposed in claim 26 therefore cannot be considered as involving an inventive step (Article 33(3) PCT).

3. INDEPENDENT CLAIMS 1 AND 25

- 3.1 Document D1, which is considered to represent the most relevant state of the art, discloses a flexible clamping ring used in the connection of two cylindrical parts.

From this, the subject-matter of independent claim 1 differs in that:

The clamping ring has at least a local increases in its flexibility relative to the flexibility of the rest of the ring, and therefore the segment can move between a first and a second state.

- 3.2 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

- 3.3. The problem to be solved by the present invention may be regarded as:

The possibility to define the place of the moveable segment.

- 3.4 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The clamping ring of D1 is made of a material with constant flexibility, and therefore the place of the movable segment can not be defined.

- 3.5 The subject-matter of claim 1 therefore involve an inventive step (Article 33(3) PCT)

- 3.6 The subject-matter of claim 25 is also novel and inventive for the same reasoning mutatis mutandis as for claim 1.

4. DEPENDENT CLAIMS 2 - 24

- 4.1 Claims 2-24 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

Certain defects in the international application

1. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
3. Based on D1 the two-part form of claim 1 is not correct. Only the "**movability of the segment**" (lines 11-14) is not disclosed.

Re Item VIII

Certain observations on the international application

1. For reasons of clarity the word "**position**" used in the description and claims should be substituted with "**state**".